

PROB 12C
(6/16)

Report Date: March 7, 2024

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Mar 08, 2024**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Mark A. Preston

Case Number: 0980 2:22CR00133-TOR-16

Address of Offender: [REDACTED], Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: January 25, 2024

Original Offense: Unlawful Access to Stored Communications, 18 U.S.C. § 2701(a)(1), (b)(2)(A)

Original Sentence: Probation - 36 Months Type of Supervision: Probation

Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: January 25, 2024

Defense Attorney: Curran C. Dempsey Date Supervision Expires: January 24, 2027

PETITIONING THE COURT**To issue a SUMMONS.**

On January 30, 2024, Mr. Mark A. Preston signed his conditions relative to case number 2:22CR00133-TOR-16, indicating that he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
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Supporting Evidence: Mr. Preston is alleged to have violated mandatory condition number 3 by testing positive for methamphetamine during urinalysis testing with the contract provider, occurring on February 27, 2024.

Specifically, on February 27, 2024, Mr. Preston reported to the U.S. Probation Office's contract urinalysis testing provider for the purpose of random urinalysis testing. Mr. Preston subsequently submitted a urinalysis sample for testing that reflected presumptive positive for methamphetamine. Mr. Preston denied any such use, as indicated by the test, and on February 28, 2024, a signed drug use denial form was received by the undersigned officer in which Mr. Preston signed his name, memorializing his denial. The sample was packaged and forwarded to the lab for confirmation.

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On March 7, 2024, the lab report specific to Mr. Preston's urinalysis from February 27, 2024, was received by the undersigned officer, which confirmed the client's submitted sample as positive for methamphetamine. Mr. Preston was subsequently contacted by the undersigned officer at which time the client maintained he had not used methamphetamine as determined during laboratory testing.

The U.S. Probation Office respectfully recommends the Court **issue a SUMMONS** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 7, 2024

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

March 8, 2024

Date